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3 STATE OF WEST VIRGINIA
4 DRIVING UNDER THE INFLUENCE
5 SAFETY AND TREATMENT PROGRAM:
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8 STANDARDS FOR IMPLEMENTATION AND
9 QUALITY ASSURANCE
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15 ADMINISTERED BY:
16 WV DEPARTMENT OF HEALTH AND HUMAN RESOURCES
17 BUREAU FOR BEHAVIORAL HEALTH AND HEALTH FACILITIES
18

19
20 IN COOPERATION WITH:
21 WV DEPARTMENT OF TRANSPORTATION
22 DIVISION OF MOTOR VEHICLES
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1. INTRODUCTION

The West Virginia Department of Health and Human Resources (DHHR) administer the DUI Safety and Treatment Program through its Bureau for Behavioral Health and Health Facilities (BBHBF). The BBHBF approves and monitors all West Virginia DUI Safety and Treatment Programs and Providers, establishes regulations, approves participant fees and payment schedules as well as provides DUI information and technical assistance.

The goals of the DUI Safety and Treatment program are to (1) reduce the number of repeat DUI offenses by drivers who successfully complete the program and (2) provide drivers an opportunity to address problems related to the use/misuse/abuse of alcohol and/or other drugs. All approved DUI Safety and Treatment Providers must (1) demonstrate sound administrative, fiscal, and operational capabilities to operate the program, (2) provide program facilities that are clean, safe, and free of legal or illicit substances and (3) adhere to all applicable statutes and regulations.

1.1 PURPOSE

The purpose of this document is to provide uniform standards for the administration and operation of the DUI Safety and Treatment Program as mandated by West Virginia Code § 17C-5A-3.

“Safety and treatment program; reissuance of license (a) The Department of Health and Human Resources, Division of Alcoholism and Drug Abuse shall administer a comprehensive safety and treatment program for persons whose licenses have been revoked under the provisions of this article or section seven, article five of this chapter or subsection (6), section five, article three, chapter seventeen-b of this code and shall also establish the minimum qualifications for mental health facilities, day report centers, community correction centers or other public agencies or private entities conducting the safety and treatment program...”

Furthermore, in accordance with requirements of and authority provided in West Virginia Code § 17C-5A-3, the West Virginia Department of Health and Human Resources proposed and filed West Virginia Legislative Rule Title 64 Series 98, Safety and Treatment Program for the purposes of establishing a comprehensive safety and treatment program for persons found in initial and subsequent violation of WV Code §17C-5-1 et seq. and §17C-5a-1 et seq.

1.2 DEFINITIONS

- **Accelerated Track** - the Education Component (Level I) being offered in more rapid cessation than the Traditional Track
- **Assessment** - mandatory substance use clinical assessment required of all drivers completing the Treatment Component (Level II); the severity and scope of the driver's use/misuse/abuse is determined to establish medical necessity

- **BAC** - driver's blood alcohol concentration/content
- **BBHHF** - the West Virginia Department of Health and Human Resources' Bureau for Behavioral Health and Health Facilities
- **BMS** - the West Virginia Department of Health and Human Resources' Bureau for Medical Services
- **DMV** - the West Virginia Department of Transportation's Division of Motor Vehicles
- **Driver** - individuals convicted of driving under the influence of alcohol and/or other drugs or permitting another individual to drive while under the influence, per Chapter 17C-5-2 of the State Code
- **Driver's Safety Rehabilitation Fund** - the legislatively mandated state revenue account directed and controlled by the Department of Health and Human Resources' Cabinet Secretary for the purposes of recording and expending funds for the DUI Safety and Treatment Program
- **Driving Record** - DMV's official account of the driver's past offenses, including speeding tickets, moving violations, DUIs, and other incidents related to his or her driving career
- **Drug/Alcohol Test** - mandatory, biomedical test(s) administered to and completed by all drivers enrolled in DUI Safety and Treatment programming
- **DUI Coordinator** - a Masters-level, licensed professional social worker, psychologist and/or counselor who is responsible for the administrative and supervision of the contracted DUI Safety and Treatment programming
- **Education Component (Level I)** - mandatory 18 hours of evidence-based, DUI educational instruction as determined by the BBHHF
- **Enhanced Treatment Component (Level III)** - mandatory 12 hours of substance use treatment services to be completed in addition to the Education (Level I) and Treatment (Level II) Component
- **Enrollment** - initial appointment wherein driver information is collected and program requirements and expectations are presented
- **Human Services Degree** - a Masters' or Bachelors' degree granted by an accredited college or university in one of the following human services fields: psychology, criminal justice, nursing, sociology, social work, counseling/therapy, teacher education, behavioral health, and other degrees approved by the West Virginia Board of Social Work
- **Provider** - an agency/organization which is approved by the BBHHF to provide the DUI Safety and Treatment Program
- **Screen** - mandatory substance use screening required of all drivers completing only the Education Component (Level I)
- **Service** - the DUI Safety and Treatment programming as referenced in Chapter 17C-5A-3 of the West Virginia State Code and as referenced in Title 91, Legislative Rules, Series 15, entitled Safety and Treatment Program
- **Traditional Track** - the Educational Component (Level I) being offered in a six (6) weekly, three (3) hour course format
- **Treatment Component (Level II)** - mandatory 6 hours of DUI-focused treatment services to be completed in addition to the Education Component (Level I)

1.3 APPLICABILITY

Admission of drivers to the DUI Safety and Treatment Program shall be made available, but not limited to, individuals who have been convicted for violation of Chapter 17, Section 5.2 and related sections of the West Virginia State Code and who are subject to loss of driving privileges. WV residents who violate these statutes are required to complete the DUI Safety and Treatment program. Requirements herein described for the DUI Safety and Treatment Program cannot be waived.

- In situations where a WV resident is found in violation of another state's DUI statutes, the State of WV may recognize reciprocity with that state's approved DUI education/treatment requirements. WV residents interested in pursuing this option for a DUI received in another state must visit the BBHf website at <http://www.dhhr.wv.gov/bhhf> for information regarding the submission of Out-of-State DUI Education and Treatment verification.
- In situations where a non-WV resident is found in violation of WV statutes, the State of WV may recognize reciprocity of the state approved DUI education/treatment requirements where the driver's residency is established. Non-WV residents interested in pursuing this option must visit the BBHf website at <http://www.dhhr.wv.gov/bhhf> for information regarding the submission of Out-of-State DUI Education and Treatment verification.

Additionally, WV residents may be eligible to participate in WV's DUI Safety and Treatment Program as a substitute for another state's DUI education/treatment requirements. The driver shall maintain all responsibility for verifying these options with the state where they were found in violation of statute.

1.4 DIVISION OF MOTOR VEHICLES

The DMV maintains responsibility for licensure to operate a motor vehicle. Any changes to licensure prior to and after the DUI Safety and Treatment Program remain the responsibility of the DMV.

• NOTIFICATION OF REVOCATION

The DMV is responsible for notifying all drivers of any order of license revocation. Upon such revocation the individual shall be advised of procedures for participation in the DUI Safety and Treatment Program and the conditions that must be met prior to a license reinstatement.

167 • **REINSTATMENT OF LICENSE**

168
169 The DMV shall not recommend reinstate any license until confirmation has been received
170 that the driver has successfully completed the required components and paid all applicable
171 costs related to DUI program participation.
172

173 **2. ADMINISTRATIVE REQUIREMENTS**

174
175 **2.1 MEMORANDUM OF UNDERSTANDING (MOU)**

176
177 For the purposes of providing the DUI Safety and Treatment Program, the Bureau for Behavioral
178 Health and Health Facilities (BBHFF) establishes a Memorandum of Understanding (MOU) with
179 approved Providers. In order to become an approved Provider and obtain a MOU, prospective
180 providers for the DUI Safety and Treatment Program must submit an application that reflects
181 their ability to adequately provide the DUI Safety and Treatment Program. The BBHFF will then
182 review and approve or deny the application. For new Provider application guidelines and
183 resources visit the Bureau's website at: <http://www.dhhr.wv.gov/bhff>
184

185 The awarding of a MOU does not obligate the BBHFF to utilize the provider on an exclusive or
186 other basis. Any decision rendered by the BBHFF specific to review of applications, renewals, or
187 denial of MOUs shall be considered final.
188

189 • **PROVIDER ELIGIBILITY**

190
191 A MOU can be established with any Provider including a governmental subdivision or
192 agency, corporation, partnership, firm, organization, or association acting individually or
193 as a group which submits an application that is approved by the BBHFF and can meet all
194 applicable standards. Each Provider must be capable of directly providing all aspects of
195 the programming outlined in these standards.
196

197 • **RENEWAL**

198
199 DUI Safety and Treatment Program MOUs will be negotiated and approved/denied on
200 an annual basis for all current Providers seeking a renewal. Each MOU shall encompass
201 one State Fiscal Year (July 1 through June 30). The option for solicitation of new
202 Providers shall remain at the discretion of the BBHFF and announced by BBHFF as
203 necessary.
204

205 Renewals shall be administered in accordance with the terms and conditions of this
206 document and original MOU. The BBHFF shall notify each current provider in writing of
207 the renewal requirements for the subsequent year at least thirty (30) days prior to the
208 end of the State Fiscal year.
209

210 Inferred approval shall not be considered a guarantee until the completion, signature
211 and filing of a valid MOU.

212
213 • **DENIAL**
214

215 In the event that a provider fails to file a proper MOU form and/or a provider fails to
216 meet the conditions where applicable, the BBHMF shall deny the application for a MOU
217 in writing, and shall be considered final.
218

219 • **SUSPENSION/REVOCATION**
220

221 At the discretion of the BBHMF, suspension or revocation of a Provider MOU may occur
222 when there is sufficient evidence to suggest that the Provider has:
223

- 224 ○ Failed to adhere to these standards and/or MOU
- 225 ○ Violated these standards and/or MOU as such that a delay in action could result
- 226 in harm to drivers, staff members, and/or the public
- 227 ○ Knowingly falsified any information required under these standards and/or MOU
- 228 ○ Permitted unqualified staff members to perform any aspects of the program
- 229 ○ Interfered with or obstructed a BBHMF site review or investigation
- 230 ○ Concealed or attempted to conceal true ownership of the MOU
231

232 The BBHMF shall notify the provider in writing of the program suspension, effective date
233 and request for a plan of correction. The provider shall have ten (10) business days
234 from the date of notification in which to file its written plan of correction with the
235 BBHMF. The plan of correction shall be reviewed by the BBHMF to determine further
236 action up to and including program reinstatement or revocation. Written notification of
237 the BBHMF's decision will be issued to the Provider.
238

239 If such a determination is made to conduct further investigation, the BBHMF will create a
240 review team to conduct the investigation. This team may consist of Bureau staff and
241 DMV staff, as needed. The results of the investigation shall be reviewed by BBHMF and a
242 final decision regarding the suspension of MOU shall be determined and served with
243 written notification to the affected provider(s).
244

245 Any provider that has its MOU suspended will be placed on probationary status for
246 ninety (90) days to ensure compliance with these standards and the plan of correction.
247 In the event that a Provider fails to file a plan of correction and/or fails to meet these
248 conditions where applicable, the BBHMF shall revoke the MOU in writing, and shall be
249 considered final.
250

251 **2.2 STANDARDS, POLICIES AND PROCEDURES**
252

253 Each provider shall maintain compliance of all DUI Safety and Treatment Program Standards
254 including but not limited to:

- 255 • WV State Code § 17C-5A-3 and related State Code and Legislative provisions referenced
256 herein;

- Title 64, Legislative Rules, Department of Health and Human Resources, Series 98, entitled Safety and Treatment Program;
- Title 91, Legislative Rules, Division of Motor Vehicles, Series 15, entitled Safety and Treatment Program; Federal Confidentiality Regulations, 42 CFR Part II and HIPAA regulations; and,
- Site conduciveness applicable to the provision of DUI Safety and Treatment programming.

It is the Provider's responsibility to notify the BBHMF immediately if unable to comply with these standards, as well as any changes involving Provider ownership, program operation or the DUI Coordinator designation.

- **APPEALS**

Each provider shall establish an appeals policy for the DUI Safety and Treatment Program which provides a mechanism to resolve driver complaints against the provider and/or related services of the provider. Appeals shall be processed according to written procedures that will result in a timely, complete, and impartial review and decision. This process must be made available to all drivers and is LIMITED to disagreements regarding related services and/or requirements of the DUI Safety and Treatment Program.

- **RELEASE OF INFORMATION**

Prior to conducting any facet of the DUI Safety and Treatment Program, the Provider shall require drivers to consent to the release of information referencing the outcome of services to BBHMF and/or DMV, including completion or non-completion of program requirements. Additionally, as a condition of admission to the DUI Safety and Treatment Program, drivers will be required to sign a consent form for the Provider to release information to the appropriate judicial officials as related to the individual's progress in the program, if applicable.

- **DOCUMENTATION**

The BBHMF recognizes that some providers use an electronic system to create and store documentation while other providers choose to use a hard copy based system. When services require documentation the Bureau will accept both types of documentation. All requirements must be met no matter the modality of system choice. For all assessment and treatment services rendered, Providers will utilize the WV Bureau for Medical Service (BMS) documentation requirements for Clinic and Rehabilitation services as defined in Chapters 502 and 503 for the Provider Manuals. These manuals will describe all other documentation required.

Records retained by the Provider which contain driver information shall be stored in a secure area, preventing unauthorized access. Additionally those records should be filed

systematically and be made available for inspection and review by BBHMF and its representatives. Driver records shall be maintained for a minimum of five (5) years.

- **UNDER AGE DRIVERS**

Providers must consult with the BBHMF prior to enrollment of drivers under the age of eighteen (18). Programming requirements may need tailored to address the educational and/or treatment needs of a minor.

- **DRUG/ALCOHOL TESTING**

Each Provider shall conduct one (1) announced drug/alcohol test on all drivers at time of enrollment and one (1) unannounced drug/alcohol test while participating in programming. Refusal by any driver to submit to a drug/alcohol test, as described in these standards, shall result in the driver's IMMEDIATE withdrawal from all programming until the drug/alcohol test can be completed. Drivers displaying signs and symptoms of active intoxication that result in distracting behavior and/or non-participation in programming must be dismissed from service activities until no longer exhibiting such behaviors; being dismissed is considered an absence. Providers may also administer the unannounced drug/alcohol test if it has not already been conducted.

Providers are not permitted to mandate additional and/or confirmation drug/alcohol tests for drivers beyond what is described in these standards. Any positive results on tests performed (BAC reading above .000 or a positive drug test for illicit or non-prescribed substances), shall result in the drivers mandated participation in and completion of the next highest program component. A follow-up unannounced drug/alcohol test (1) may be conducted during completion of the next program component. Drivers must be informed of the appeals process after any positive drug/alcohol test.

3. STAFF REQUIREMENTS

3.1 DUI COORDINATOR

Each Provider shall designate a qualified DUI Coordinator. The DUI Coordinator shall be responsible for ensuring provider compliance with all performance, quality assurance and program standards, as well as working collaboratively with the BBHMF and DMV. This individual is the point of contact for the Provider organization's DUI Safety and Treatment program. Providers are not permitted to operate the DUI Safety and Treatment programming in the absence of a qualified, DUI Coordinator. Failure to immediately notify the BBHMF will result in the MOU being suspended and possibly revoked. Staff must have a minimum of a master's degree in a field of human services and licensed at the master's level by the State of West Virginia in psychology, counseling and/or social work. An Alcohol and Drug Counselors (ADCs) certification or higher and experience providing supervision are preferred but not required.

3.2 SUPERVISION

The purpose of supervision is to improve the quality of services while ensuring adherence to these standards. Therefore, the Provider must have a policy for supervision including guidelines for the responsibilities of the supervisor (DUI Coordinator) and the minimum frequency for which supervision should occur.

Each agency shall have a chart demonstrating the administrative and clinical chain of command and responsibility. Each Provider shall have a documented process for ensuring all staff are aware of their administrative and clinical supervision. The supervisor should have an equal or higher degree, credential, or clinical experience than those they supervise. If a supervisor is responsible for a Medicaid funded program, the supervisor should be able to demonstrate familiarity with Medicaid requirements and relevant manuals. This applies to all Medicaid services rendered.

Each Provider shall maintain a current copy of these standards at sites where programming is offered. All program staff shall be knowledgeable of and familiar with these standards, policies and procedures. A written record verifying review of these standards must be included in the staff personnel file as part of program supervision and updated annually.

3.3 QUALIFICATIONS

Enrollment	<ul style="list-style-type: none">• Minimum of a high school diploma or its recognized equivalent• Trained to collect, input and process enrollment information gathered• Trained to provide accurate enrollment information to drivers• Supervision required
Screening	<ul style="list-style-type: none">• Minimum of a high school diploma or its recognized equivalent• Trained to administer the identified screening instruments• Trained to process screening results with driver and provide appropriate referral information based on results• Supervision required
Assessment	<ul style="list-style-type: none">• Minimum of a bachelor's degree in a field of human services or a registered nurse• Properly credentialed by the agency's internal credentialing committee• Trained to administer the identified assessment instrument• Trained to process assessment results with driver and provide appropriate referral information based on results• Supervision required
Education Component (Level I)	<ul style="list-style-type: none">• Minimum of a high school diploma or its recognized equivalent• Trained to facilitate the Education Component (Level I) curriculum• Trained to accurately address questions regarding curriculum, component expectations and provide appropriate referral information as needed• Supervision required• Alcohol and Drug Counselors (ADCs) certification or higher preferred but not required

Treatment Component (Level II) and Enhanced Treatment Component (Level III)	<ul style="list-style-type: none"> • Minimum of a Master's level therapist using generally accepted practice of therapies recognized by national accrediting bodies for psychology, psychiatry, counseling, and social work • Supervision required • Alcohol and Drug Counselors (ADCs) certification or higher preferred but not required
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All documentation for staff including but not limited to college transcripts, certifications, credentials, background checks, proof of completion of training, supervision must be kept in the staff's personnel file and may be reviewed at any time by BBHMF or the Bureau's contractors or state and federal auditors.

4. PROGRAM REQUIREMENTS

4.1 CASE FILE (PER DRIVER)

- Driver record (requested by Provider, issued by DMV)
- Financial/billing/accounting information
- Indigent determination form
- Release of information
- Driver participation agreement
- Screening documentation, as applicable
- Assessment documentation, as applicable
- Drug/Alcohol testing results and supporting documentation
- Component placement, associated fees and proof of payment
- Programming schedule and driver attendance
- Treatment/Enhanced Treatment progress notes, as applicable
- Education Pre/Post Test results
- Referrals, as applicable
- DMV 400SE form
- Appeals and supporting documentation, as applicable
- Driver information required for BBHMF data reporting

4.2 REFERRALS

Drivers who have a positive or at risk screen/assessment demonstrating the need for more intensive substance use, mental health and/or co-occurring services must be provided referral information for additional services in accordance with screening/assessment recommendations. These recommendations are not considered binding and will not be required for successful completion of the DUI Safety and Treatment program.

4.3 EXIT INTERVIEWS

Exit interviews are the mandatory session and/or meeting wherein the driver's Education Component (Level I) posttest is reviewed (for Level I only), evaluations are completed, and any

outstanding requirements/information and/or a certificate of completion is issued (when applicable). Facilitators can host this event either one-on-one with each driver or as a group. Providers are encouraged to conduct one-on-one meetings if driver-specific information will be discussed. An exit interview will be conducted at completion of each component.

4.4 EVALUATION

Driver satisfaction surveys and/or evaluations will be conducted at the completion of each component to measure driver's perception of services received. The results of these materials should be used to improve the overall quality of the programming. Results of these evaluations will be compiled and kept on file with the Provider for review and/or submission to the BBHFF upon request.

4.5 ENROLLMENT

Participants:	All drivers
Reimbursement:	Included in Enrollment Fee
Procedures:	<ul style="list-style-type: none">• A current driving record, provided by the DMV, must be available at time of enrollment to determine the proper level of care; enrollment cannot be completed unless this information is available• Ensure that drivers who are referred to the DUI Safety and Treatment Program are enrolled in a timely manner and no later than two (2) weeks from initial contact• If necessary to schedule a separate appointment for the driver's screening or assessment, Providers will schedule the session no later than five (5) business days from the day of enrollment• In most instances, enrollment will occur on a date prior to the initiation of programming. However, same day enrollment and program initiation is permitted if enrollment documentation is present.• The following administrative services must be performed at time of enrollment and prior to the delivery of services:<ul style="list-style-type: none">○ Collection of all financial, demographic, residency and driving record information○ Discussion of financial requirements and expectations, including but not limited to:<ul style="list-style-type: none">▪ Indigent determination▪ Drug/Alcohol tests▪ Driver workbook▪ Level II and/or III fees, as applicable○ Discussion of programmatic requirements and expectations, including but not limited to:<ul style="list-style-type: none">▪ Mandatory drug/alcohol testing and appeal policy▪ Drug/Alcohol free expectations▪ Attendance expectations▪ Component levels, driver placement and appeal policy○ Completion of the following forms/processes:<ul style="list-style-type: none">▪ Indigent determination form with driver's signature

	<ul style="list-style-type: none"> ▪ Driver participation agreement with the driver's signature ▪ A written schedule of all fees and payment terms applicable to the driver ▪ A written schedule of all programming, policies/expectations and contact information applicable to the driver ▪ Initial drug/alcohol test ▪ Payment of applicable programmatic fees
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4.6 SCREENING

Participants:	<ul style="list-style-type: none"> • Drivers with one (1) DUI on their driving record <u>and</u> a BAC less than 0.15 or no available BAC
Reimbursement:	Included in Enrollment Fee
Instruments:	<ul style="list-style-type: none"> • Alcohol Use Disorders Identification Test (AUDIT) • Drug Abuse Screening Test 10 (DAST-10)

4.7 ASSESSMENT

Participants:	<ul style="list-style-type: none"> • Drivers with two (2) or more DUIs on their driving record; • Drivers with one (1) DUI on their driving record with a BAC of 0.15 or higher; • Drivers charged with knowingly permitting a DUI; or, • Drivers under the age of 21.
Reimbursement:	<ul style="list-style-type: none"> • Providers are expected to seek reimbursement via the driver's insurance, as available: <ul style="list-style-type: none"> ○ WV Medicaid/Charity Care Procedure: Mental Health Assessment by a Non-Physician; Providers must adhere to the WV Bureau for Medical Services (BMS) Provider Manual for additional service guidelines and information. ○ Non-Medicaid/Charity Care providers may establish independent rates that are equal to or lesser than the rate established by WV Bureau for Medical Service (BMS) for like services.
Instruments:	Addiction Severity Index (ASI)

4.8 EDUCATION COMPONENT (LEVEL I)

Participants:	<ul style="list-style-type: none"> • Drivers with one (1) DUI on their driving record with <u>and</u> a BAC less than 0.15 and/or no available BAC; or, • Drivers whose assessment did not meet medical necessity for the Treatment Component (Level II) services; must report to WVBBHFF prior to initiating programming.
Reimbursement:	Included in Enrollment Fee
Curriculum:	<ul style="list-style-type: none"> • All providers will utilize the curriculum identified by the BBHFF for exclusive use in the Education Component (Level I) • The curriculum must be implemented per the developer and BBHFF guidelines to ensure fidelity • Providers will receive training and/or instructional materials from the

	BBHMF when applicable <ul style="list-style-type: none"> • Details on the curriculum are available upon request to BBHMF
Materials	Driver workbook
Procedures:	<ul style="list-style-type: none"> • Mandatory <u>18</u> hours of evidence-based, DUI educational instruction • Traditional Track: <ul style="list-style-type: none"> ○ Offered in six (6) weekly, three (3) hour classes ○ Providers may schedule classes during business and/or non-traditional hours (evening and weekends) ○ Staff facilitation or driver participation can be conducted face-to-face and/or via telehealth. Telehealth service delivery will utilize the WV Bureau for Medical Service Telehealth policy for Clinic and Rehabilitation services as defined in Chapters 502 and 503 for the provider manuals • Accelerated Track: <ul style="list-style-type: none"> ○ Offered in more rapid cessation than the Traditional Track ○ Classes must extend over a three (3) week period ○ Drivers participating in the Treatment Component (Level II) or Enhanced Treatment Component (Level III) are not eligible to enroll in the Accelerated Track ○ Providers may schedule classes during business and/or non-traditional hours (evening and weekends) ○ Staff facilitation or driver participation can be conducted face-to-face and/or via telehealth. Telehealth service delivery will utilize the WV Bureau for Medical Service Telehealth policy for Clinic and Rehabilitation services as defined in Chapters 502 and 503 for the provider manuals • Drug/Alcohol Test <ul style="list-style-type: none"> ○ One (1) test to be completed randomly prior to completion of the Education Component (Level I) ○ Any driver with a positive test must have an assessment completed (due to active use) and should be enrolled in the Treatment Component (Level II) ○ Any driver with a positive test will not be required to withdraw or restart the Education Component (Level I) unless the attendance expectations were violated • Pre-Test/Post-Test <ul style="list-style-type: none"> ○ Evidence-based, testing instruments intended to gauge the drivers knowledge, understanding and practice of the material presented in this component ○ Must be completed by all drivers and kept as part of their record ○ Results of the pre- and post- tests must be reviewed with the driver
Attendance	<ul style="list-style-type: none"> • One (1) class absence: driver eligible to make up the missed class when next offered • Two (2) or more class absences: driver must restart Education Component • Accelerated Track - zero absences: driver must restart Education Component

4.9 TREATMENT COMPONENT (LEVEL II)

Participants:	Drivers who meet medical necessity for the Treatment Component (Level II) services
Reimbursement:	<ul style="list-style-type: none"> Providers are expected to seek reimbursement via the driver's insurance, as available: <ul style="list-style-type: none"> WV Medicaid/Charity Care Procedure: Professional Group Therapy; Providers must adhere to the WV Bureau for Medical Services (BMS) Provider Manual for additional service guidelines and information. Non-Medicaid/Charity Care providers may establish independent rates that are equal to or lesser than the rate established by WV Bureau for Medical Service (BMS) for like services. Any driver denied authorization must first contact the insurance provider directly in attempts to gain authorization. If authorization is not granted contact the BBHMF for additional guidance.
Curriculum:	<ul style="list-style-type: none"> All providers will utilize the curriculum identified by the BBHMF for exclusive use in the Treatment Component (Level II) Sessions will support and clinically expand upon to the material presented in the Education Component (Level I) Providers will receive training and/or instructional materials from the BBHMF when applicable Details on the curriculum are available upon request to BBHMF
Materials	Driver workbook
Procedures:	<ul style="list-style-type: none"> Mandatory <u>6</u> hours of DUI-focused treatment services to be completed in addition to the Education Component (Level I) Offered in six (6) weekly, one (1) hour group therapy sessions Providers may schedule sessions during business and/or non-traditional hours (evening and weekends) Staff facilitation or driver participation can be conducted face-to-face and/or via telehealth. Telehealth service delivery will utilize the WV Bureau for Medical Service Telehealth policy for Clinic and Rehabilitation services as defined in Chapters 502 and 503 for the provider manuals One (1) drug/alcohol test to be completed randomly prior to completion of the Treatment Component (Level II) <ul style="list-style-type: none"> Any driver with a positive test will result in enrollment in the Enhanced Treatment Component (Level III) Any driver with a positive test will not be required to withdraw or restart the Education (Level I) or Treatment Component (Level II) unless the attendance expectations were violated
Attendance	<ul style="list-style-type: none"> One (1) group session absence: driver eligible to make up the missed session when next offered or as an individual session Two (2) or more session absences: driver must restart Treatment Component

4.10 ENHANCED TREATMENT COMPONENT (LEVEL III)

Participants:	Drivers with a positive drug/alcohol test while enrolled in the Treatment Component (Level II)
Reimbursement:	<ul style="list-style-type: none"> Providers are expected to seek reimbursement via the driver's insurance, as available: <ul style="list-style-type: none"> WV Medicaid/Charity Care Procedure: Professional Group and/or Individual Therapy; Providers must adhere to the WV Bureau for Medical Services (BMS) Provider Manual for additional service guidelines and information. Non-Medicaid/Charity Care providers may establish independent rates that are equal to or lesser than the rate established by WV Bureau for Medical Service (BMS) for like services. Any driver denied authorization must first contact the insurance provider directly in attempts to gain authorization. If authorization is not granted contact the BBHMF for additional guidance.
Curriculum:	<ul style="list-style-type: none"> Providers must utilize evidence-based, clinical practice modalities for substance use treatment services
Materials	N/A
Procedures:	<ul style="list-style-type: none"> Mandatory <u>12</u> hours of substance use treatment services to be completed in addition to the Education (Level I) and Treatment (Level II) Components Services consist of professional group and/or individual therapy sessions based on each driver's clinical needs Providers may schedule sessions during business and/or non-traditional hours (evening and weekends) Staff facilitation or driver participation can be conducted face-to-face and/or via telehealth. Telehealth service delivery will utilize the WV Bureau for Medical Service Telehealth policy for Clinic and Rehabilitation services as defined in Chapters 502 and 503 for the provider manuals One (1) drug/alcohol test to be completed randomly prior to completion of the Enhanced Treatment Component (Level III) <ul style="list-style-type: none"> Any driver with a positive test in this component should continue with Enhanced Treatment (Level III) services. A report of active use in Level III must be noted in driver's completion paperwork upon submission to DMV, as applicable Any driver with a positive test will not be required to withdraw from or restart any component unless the attendance expectations were violated
Attendance	<ul style="list-style-type: none"> One (1) session absence: driver eligible to make up the missed session when next offered Two (2) or more session absences: driver must restart Enhanced Treatment Component

5. FISCAL REQUIREMENTS

5.1 SERVICE PAYMENT AND FEE SUBMISSION

Fees associated with receipt of the DUI Safety and Treatment program as outlined herein are the responsibility of the driver unless a determination of indigent status has been made.

Each provider shall submit to BBHFF a portion of the fee for the Education Component (Level I) of the program in the amount as agreed in cooperation with BBHFF, as per Chapter 17C-5A-3 of the state code.

5.2 FEES

At the time of enrollment and prior to the provision of any services, Providers are required to provide each driver a written schedule of all fees and payment terms and conditions for the DUI Safety and Treatment Programming exclusively. The fee schedule shall include charges for all three (3) components and highlight which are applicable to the driver, a timeline for payment and consequences for non-payment. Additional program costs must also be provided in writing which include the driver workbook (\$10.00) and drug/alcohol tests (market value).

- **ENROLLMENT FEE**

The enrollment fee for the DUI Safety and Treatment program is \$400.00. This fee shall cover the provision of the Education Component (Level I) services to include enrollment, screening (if applicable) and 18-hours of DUI education classes.

Payment of such fees is the responsibility of the DUI offender and must be provided prior to or at the time of the enrollment in the DUI Safety and Treatment Program, unless indigent status has been established. Under no circumstances shall a driver be afforded payment or credit plans for the fee incurred for this portion of the program.

- **TREATMENT FEES**

Fees associated with receipt of any treatment components (those services extending beyond the enrollment fee) will be the responsibility of the driver unless determination of indigent status has been made. DRIVERS REQUIRING TREATMENT WILL NOT BE DENIED ACCESS TO THE TREATMENT COMPONENT OR ENHANCED TREATMENT COMPONENT BASED UPON THE INABILITY TO PAY. Providers are encouraged to seek reimbursement through the driver's insurance when available. Providers may also refer indigent drivers to the local indigent care agency (comprehensive behavioral health center) for completion of the treatment components. A sliding fee scale and payment plan option must be available for the Treatment and Enhanced Treatment Components (Level II and III).

5.3 PROVIDER REMITTANCE

Once a Provider has received the enrollment fee, \$125.00 shall be remit to the BBHMF and the Provider shall retain the remaining \$275.00. The remaining \$125.00 shall be utilized by the Department of Health and Human Resources to support the Driver's Safety Rehabilitation Fund and program administration.

5.4 INDIGENT STATUS DETERMINATION

As referenced herein drivers will not be denied access to the DUI Safety and Treatment programming based upon inability to pay. As per §17C-5A-3 of the West Virginia Code, BBHMF has established an indigent determination procedure setting forth fiscal procedures governing indigent determination for drivers. A person who is determined to be indigent by the Provider may be eligible for a full waiver of the fees for the Education Component (Level I). This determination should also make the driver eligible for charity care and/or a sliding fee scale for any treatment services not covered by the drivers insurance. For indigent status determination guidelines and resources visit the Bureau's website at: <http://www.dhhr.wv.gov/bhmf>

Each Provider must utilize the criteria set forth by the annual Federal Poverty Guidelines for determining if fee waiver for the education component is available for drivers accessing the WV Safety and Treatment program. For the purposes of the DUI Safety and Treatment Program a driver with family/household income equal to or below one hundred percent (100%) of the federal poverty standard, adjusted for family/household size, shall be determined to be indigent. This qualifies the driver for sponsorship for the full amount of fees related to enrollment in the Education Component (Level I). Drivers who are not eligible and/or interested in receiving the indigent waiver must complete and sign a form indicating this information.

5.5 PROGRAMMING WITHDRAWAL

Drivers who withdraw from programming by either refusing or failing to complete the requirements outlined above must make-up or restart all programming according to the attendance expectations. After twelve (12) months with no DUI Safety and Treatment programming participation, the driver must re-enroll as a new driver; this includes payment of all fees.

6. DATA REQUIREMENTS

Each Provider administering the DUI Safety and Treatment Program must collect, prepare and submit monthly reports to the BBHMF for purposes of monitoring outcomes, contract negotiation and renewal. For data collection and reporting guidelines visit the Bureau's website at: <http://www.dhhr.wv.gov/bhmf>

7. QUALITY ASSURANCE

7.1 PROVIDER NETWORK

The DUI Safety and Treatment Provider Network is made up of representation from all DUI Safety and Treatment Provider agencies and will meet quarterly. DUI Coordinators or an appointee is required to attend all Network meetings. These meetings serve to ensure that quality education and treatment services for the driver are provided under the standards of the program. The Network shall make recommendations for procedural refinement, policy and position development, and peer review.

The Network shall also assure the education of the Legislature, the judicial systems, the public at large and other interested parties regarding the offense of driving under the influence and related issues. The BBHMF will provide facilitation to support the Network and work collaboratively with the Network to accomplish its mission.

7.2 MONITORING

As per state rules, BBHMF is responsible for monitoring of the DUI Safety and Treatment Program. BBHMF, either directly or through its representatives, may conduct record reviews, site reviews, or investigations of any provider currently or proposing to provide services for the purposes of ensuring compliance with these standards. The extent of those monitoring activities may include, but not be limited to: desk reviews, audit reviews, onsite monitoring, technical assistance and training activities.

Providers shall be subject to either announced or unannounced reviews. Failure to permit complete access to all records and facilities to a reviewer whose proper credentials or acting agent status has been verified shall subject the provider to revocation of MOU or the potential Provider to denial of contract.

Reports, including findings, conclusions, and subsequent recommendations by the reviewers shall be made available to the Provider being reviewed. Plans of correction and/or subsequent responses shall be submitted from the Provider to BBHMF in accordance with the prescribed timeframes.

7.3 INVESTIGATIONS

The BBHMF, either directly or through its agents, shall respond to allegations of violations of the standards promulgated herein, complaints regarding the operation of any services representative through the MOU under these standards, and suspicion of any unlawful activities related to Provider operation.

8. RESOURCES AND ADDITIONAL INFORMATION

Supplemental information, forms and resources related to these standards will be made available on the Bureau's website: <http://www.dhhr.wv.gov/bhmf>

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If the information being sought is not available in these standards and/or provided on the website please submit an inquiry via email to WVDUI@wv.gov.

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